

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ROBERT T. STRATTON ,

Plaintiff,

v.

COIII. LT. J.A. TONY; MS. DIANE MANSON ,
Correctional Health Care Administrator; MR.
LOUIS FOLINO *Superintendent*; MR. THOMAS
(ACTION) JACKSON, *Deputy Superintendent*; COI
M. (SHEEPMAN) EITNER; MS. MICHELLE
(JEZABELL) DIGGS; *Physician Assistant*; MS. S.
(BABY ELEPHANT) HICKMAN, *Physician*
Assistant; MS. N. ZIEGLER, *Physician Assistant*;
MR. (DR.) FALOR, *Physician*; COI. J.A. (SNAKE)
MORRIS; COI. (GRAVEDIGGER) GRAVES; MS.
MARY ANN (UPIG'IK) MISTRIK,
Disciplinary Hearing Examiner; COI. (TEA BAG)
SPECHT; MR. DAN DAVIS, *Grievance*
Coordinator/Superintendent's Assistant; MR. ERIC
DOE, *Mail Inspector #4*; COIII. LT. D.P. (BUDA)
MEIGHEN; COIII. LT. (RAM) WORKMAN; COII.
SGT. (BA'KIA) KENNEDY; COI (DOOFUS)
DURKACS; COIII. LT. (BRUTIS) SANTOYO;
COII. SGT. (WEASEL) MICHNIAK; COI. (BLUE
DEVIL) ROHRER; COIII. LT. (RALPH)
AUGUSTINO; COI. W. (MASK) KRONARDER;
COII. SGT. (ACE) BARKEFELT; COI. (CRAP)
NOAK; COI. (NOSE) ZSOMBROKY; COI.
(HUNCHBACK) YOUNKIN; JOHN DOE,
Optometrist; JOHN DOE, *White Male Nurse*; COI.
CREE; COI. F.L. (BOOK) COLE; COI.
(CORNBREAD) ANDERSON; COI. ARDABELL;
COI. (CROTCH) CROUCH; COII. SGT.
(CAVEMAN) CHAPMAN; COIII. LT. (HOOK)
KIRBY; COII. SGT. CONNOR; COI. CONN; COII.
SGT. KRANDAS; COII. SGT. STEWART, (*Ground*
Hog); COIII. LT. LEGGETTE; COI. J. QUATTRO;
MR. DAVID DAY, *Unit Manager*; MS. TAMI
HOOKER, *Reverend*; MR. M. SMITH, *Activities*;

)
) Civil Action No. 05 - 1601
)
) Chief Judge Donetta W. Ambrose /
) Magistrate Judge Lisa Pupo
) Lenihan

COL. O.R. DAVIS COV. MAJ. MARTIN; COIV.)
 CAPT. (SLAP HAPPY) NORMAN; COIV. CAPT.)
 GRAINEY; MS. JEAN W. SCOTT, *Business*)
Manager; MS. DENISE DOE, (*White Female Nurse*);)
 MS. DIANE DOE, (*White Female Nurse*); MS.)
 KELLIS GETTY, *Nurse*; MR. "JOHN DOE")
 (BROWN), (*White Male Nurse*); JOHN DOE, (*White*)
Male Nurse) (*Earl*); MR. KAHN, (*Dr.*) *Psychiatrist*;)
 MR. DITTS, *Psychologist*; MR. DANOTO,)
Psychologist; MR. CRISTINI, *Counselor (Former*)
COI); COL. TREECE; MR. DAVID SACKS,)
Psychologist; MS. BARBARA DOE, (*White Female*)
Nurse); MS. ALTMAN, (*White Female Nurse*); MS.)
 JANE DOE, (*White Female Nurse*); JOHN DOE,)
 (*White Male Nurse*) (*Elvis*); JOHN DOE, (*White Male*)
Nurse) (*Hott*); JANE DOE, (*White Female Nurse*))
 (*Haggartha*); MS. ANGELA DOE (*White Female*)
Nurse); MR. ROBERT BITNER, *Chief Hearing*)
Examiner; COL. (HERPY) STEPHEN; COL. A.A.)
 (BONES) MORRIS,)
)
)
 Defendants)

ORDER

This case was initiated by Plaintiff with a motion to proceed *in forma pauperis* (no complaint was attached) in November 2005. The IFP motion was granted and on December 1, 2005, the Court entered an Order directing the Plaintiff to file a complaint with the Clerk of Court, as well as the appropriate number of service copies, no later than December 28, 2005.

A Complaint was finally filed on April 18, 2006 naming one-hundred-and-thirteen separate defendants, complaining about ten separate and distinct events, occurring from July 1, 2005 to March 31, 2006. Because such misjoinder of parties violates the requirements of Fed.R.Civ.P. 20, Plaintiff was ordered to file an amended complaint, which complies with the Federal Rules, upon pain of

dismissal without prejudice for failure to do so. (See Order dated June 29, 2006). Plaintiff was ordered to file said amended complaint no later than July 29, 2006.

Plaintiff has not filed any amended complaints but has filed numerous motions. Those presently pending are document numbers 17, 19 and 24. They will be addressed below.

Document 17 is a motion to appoint counsel. There is no doubt that it would be much easier, not only for Plaintiff, but for all involved in any prisoner pro se civil rights lawsuit, if counsel could be appointed. However, there are very few attorneys familiar with this body of law who are willing to take these cases on a pro bono basis. The Court has no authority to press any attorney into service against his or her will. Therefore, decisions to appoint counsel are made very selectively, and perhaps more importantly, based upon the ability to find counsel willing and able to take on a matter of this type.

Upon consideration of plaintiff's request for the assistance of a lawyer, under the standards contained in 28 U.S.C. Section 1915(e) and interpretative cases, including Tabron v. Grace, 6 F.3d 147 (3d Cir. 1993), the motion is **DENIED, WITHOUT PREJUDICE**, to refile should this case survive any motions to dismiss and motions for summary judgment.

Document 19 is a two part motion, asking that the court "consider" the complaint filed on April 18, 2006 and also that the clerk produce copies of the complaint sufficient to serve all of the 113 named defendants. For the reasons set forth in the undersigned's Report and Recommendation dated May 26, 2006, that motion is **DENIED**. In addition, the clerk is not required, nor is it reasonable to expect him to make service copies of all complaints filed pursuant to an *in forma pauperis* grant.

Document 24 is a motion requesting that the case be stayed until the court appoints counsel for Plaintiff. For the reasons stated above, no counsel will be appointed by the court. Therefore, the

Motion for Stay is **DENIED**. **Plaintiff, however, is granted an additional extension, until August 31, 2006, to comply with the Court's order of June 29, 2006 and file an Amended Complaint. If no Amended Complaint is filed as of that date, the undersigned will issue a Rule to Show Cause as to why this case should not be dismissed.**

IT IS FURTHER ORDERED that Plaintiff is allowed ten (10) days from this date to appeal this order to a district judge pursuant to Rule 72.1.3(B) of the Local Rules for Magistrates. Failure to appeal within ten (10) days may constitute waiver of the right to appeal.

Date: July 25, 2006

/s/Lisa Pupo Lenihan
Lisa Pupo Lenihan
United States Magistrate Judge

cc: ROBERT T. STRATTON
DA-2917
SCI Greene
175 Progress Drive
Waynesburg, PA 15370